



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2873

Introduced 2/17/2016, by Sen. Sue Rezin

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Procurement Code. Re-enacts a provision concerning the applicability of the Code to public institutions of higher education and makes changes to those provisions. Sets forth provisions concerning multi-step sealed bidding, competitive sealed proposals, and small purchases. Removes the position of chief procurement officer for the Capital Development Board and transfers the responsibilities of that position to the chief procurement officer responsible for the Department of Transportation. Sets forth provisions concerning best value procurement and provisions with respect to a bidder or offeror's noncompliance with the registration requirements as of the date bids or proposals are due. Removes provisions with respect to the competitive request for proposal process and provisions concerning procurement compliance monitors. Increases the sales threshold for small businesses selling services from \$8,000,000 to \$15,000,000 and provides that a business shall not be considered a small business if it has more than 100 employees. Provides that communications between vendors and State agencies are governed by applicable provisions of the Federal Acquisition Regulation and that communications that violate the federal regulations are reportable to the responsible chief procurement officer. Makes other changes. Amends the State Officials and Employees Ethics Act and the Small Business Contract Act to make conforming changes. Amends the Governmental Joint Purchasing Act. Provides that each chief procurement officer may authorize the purchase or lease of personal property, supplies, and services which have been procured through a competitive process by a federal agency or other entities. Effective immediately.

LRB099 20572 MLM 45126 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is  
5 amended by changing Section 20-5 as follows:

6 (5 ILCS 430/20-5)

7 Sec. 20-5. Executive Ethics Commission.

8 (a) The Executive Ethics Commission is created.

9 (b) The Executive Ethics Commission shall consist of 9  
10 commissioners. The Governor shall appoint 5 commissioners, and  
11 the Attorney General, Secretary of State, Comptroller, and  
12 Treasurer shall each appoint one commissioner. Appointments  
13 shall be made by and with the advice and consent of the Senate  
14 by three-fifths of the elected members concurring by record  
15 vote. Any nomination not acted upon by the Senate within 60  
16 session days of the receipt thereof shall be deemed to have  
17 received the advice and consent of the Senate. If, during a  
18 recess of the Senate, there is a vacancy in an office of  
19 commissioner, the appointing authority shall make a temporary  
20 appointment until the next meeting of the Senate when the  
21 appointing authority shall make a nomination to fill that  
22 office. No person rejected for an office of commissioner shall,  
23 except by the Senate's request, be nominated again for that

1 office at the same session of the Senate or be appointed to  
2 that office during a recess of that Senate. No more than 5  
3 commissioners may be of the same political party.

4 The terms of the initial commissioners shall commence upon  
5 qualification. Four initial appointees of the Governor, as  
6 designated by the Governor, shall serve terms running through  
7 June 30, 2007. One initial appointee of the Governor, as  
8 designated by the Governor, and the initial appointees of the  
9 Attorney General, Secretary of State, Comptroller, and  
10 Treasurer shall serve terms running through June 30, 2008. The  
11 initial appointments shall be made within 60 days after the  
12 effective date of this Act.

13 After the initial terms, commissioners shall serve for  
14 4-year terms commencing on July 1 of the year of appointment  
15 and running through June 30 of the fourth following year.  
16 Commissioners may be reappointed to one or more subsequent  
17 terms.

18 Vacancies occurring other than at the end of a term shall  
19 be filled by the appointing authority only for the balance of  
20 the term of the commissioner whose office is vacant.

21 Terms shall run regardless of whether the position is  
22 filled.

23 (c) The appointing authorities shall appoint commissioners  
24 who have experience holding governmental office or employment  
25 and shall appoint commissioners from the general public. A  
26 person is not eligible to serve as a commissioner if that

1 person (i) has been convicted of a felony or a crime of  
2 dishonesty or moral turpitude, (ii) is, or was within the  
3 preceding 12 months, engaged in activities that require  
4 registration under the Lobbyist Registration Act, (iii) is  
5 related to the appointing authority, or (iv) is a State officer  
6 or employee.

7 (d) The Executive Ethics Commission shall have  
8 jurisdiction over all officers and employees of State agencies  
9 other than the General Assembly, the Senate, the House of  
10 Representatives, the President and Minority Leader of the  
11 Senate, the Speaker and Minority Leader of the House of  
12 Representatives, the Senate Operations Commission, the  
13 legislative support services agencies, and the Office of the  
14 Auditor General. The Executive Ethics Commission shall have  
15 jurisdiction over all board members and employees of Regional  
16 Transit Boards. The jurisdiction of the Commission is limited  
17 to matters arising under this Act, except as provided in  
18 subsection (d-5).

19 A member or legislative branch State employee serving on an  
20 executive branch board or commission remains subject to the  
21 jurisdiction of the Legislative Ethics Commission and is not  
22 subject to the jurisdiction of the Executive Ethics Commission.

23 (d-5) The Executive Ethics Commission shall have  
24 jurisdiction over all chief procurement officers ~~and~~  
25 ~~procurement compliance monitors~~ and their respective staffs.  
26 The Executive Ethics Commission shall have jurisdiction over

1 any matters arising under the Illinois Procurement Code if the  
2 Commission is given explicit authority in that Code.

3 (d-6) (1) The Executive Ethics Commission shall have  
4 jurisdiction over the Illinois Power Agency and its staff. The  
5 Director of the Agency shall be appointed by a majority of the  
6 commissioners of the Executive Ethics Commission, subject to  
7 Senate confirmation, for a term of 2 years. The Director is  
8 removable for cause by a majority of the Commission upon a  
9 finding of neglect, malfeasance, absence, or incompetence.

10 (2) In case of a vacancy in the office of Director of the  
11 Illinois Power Agency during a recess of the Senate, the  
12 Executive Ethics Commission may make a temporary appointment  
13 until the next meeting of the Senate, at which time the  
14 Executive Ethics Commission shall nominate some person to fill  
15 the office, and any person so nominated who is confirmed by the  
16 Senate shall hold office during the remainder of the term and  
17 until his or her successor is appointed and qualified. Nothing  
18 in this subsection shall prohibit the Executive Ethics  
19 Commission from removing a temporary appointee or from  
20 appointing a temporary appointee as the Director of the  
21 Illinois Power Agency.

22 (3) Prior to June 1, 2012, the Executive Ethics Commission  
23 may, until the Director of the Illinois Power Agency is  
24 appointed and qualified or a temporary appointment is made  
25 pursuant to paragraph (2) of this subsection, designate some  
26 person as an acting Director to execute the powers and

1 discharge the duties vested by law in that Director. An acting  
2 Director shall serve no later than 60 calendar days, or upon  
3 the making of an appointment pursuant to paragraph (1) or (2)  
4 of this subsection, whichever is earlier. Nothing in this  
5 subsection shall prohibit the Executive Ethics Commission from  
6 removing an acting Director or from appointing an acting  
7 Director as the Director of the Illinois Power Agency.

8 (4) No person rejected by the Senate for the office of  
9 Director of the Illinois Power Agency shall, except at the  
10 Senate's request, be nominated again for that office at the  
11 same session or be appointed to that office during a recess of  
12 that Senate.

13 (e) The Executive Ethics Commission must meet, either in  
14 person or by other technological means, at least monthly and as  
15 often as necessary. At the first meeting of the Executive  
16 Ethics Commission, the commissioners shall choose from their  
17 number a chairperson and other officers that they deem  
18 appropriate. The terms of officers shall be for 2 years  
19 commencing July 1 and running through June 30 of the second  
20 following year. Meetings shall be held at the call of the  
21 chairperson or any 3 commissioners. Official action by the  
22 Commission shall require the affirmative vote of 5  
23 commissioners, and a quorum shall consist of 5 commissioners.  
24 Commissioners shall receive compensation in an amount equal to  
25 the compensation of members of the State Board of Elections and  
26 may be reimbursed for their reasonable expenses actually

1 incurred in the performance of their duties.

2 (f) No commissioner or employee of the Executive Ethics  
3 Commission may during his or her term of appointment or  
4 employment:

5 (1) become a candidate for any elective office;

6 (2) hold any other elected or appointed public office  
7 except for appointments on governmental advisory boards or  
8 study commissions or as otherwise expressly authorized by  
9 law;

10 (3) be actively involved in the affairs of any  
11 political party or political organization; or

12 (4) advocate for the appointment of another person to  
13 an appointed or elected office or position or actively  
14 participate in any campaign for any elective office.

15 (g) An appointing authority may remove a commissioner only  
16 for cause.

17 (h) The Executive Ethics Commission shall appoint an  
18 Executive Director. The compensation of the Executive Director  
19 shall be as determined by the Commission. The Executive  
20 Director of the Executive Ethics Commission may employ and  
21 determine the compensation of staff, as appropriations permit.

22 (i) The Executive Ethics Commission shall appoint, by a  
23 majority of the members appointed to the Commission, chief  
24 procurement officers ~~and procurement compliance monitors~~ in  
25 accordance with the provisions of the Illinois Procurement  
26 Code. The compensation of a chief procurement officer ~~and~~

1 ~~procurement compliance monitor~~ shall be determined by the  
2 Commission.

3 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11;  
4 97-618, eff. 10-26-11; 97-677, eff. 2-6-12.)

5 Section 10. The Illinois Procurement Code is amended by  
6 changing Sections 1-12, 1-13, 1-15.15, 5-5, 10-20, 20-5, 20-10,  
7 20-15, 20-20, 20-43, 20-160, 35-5, 35-30, 45-45, 45-57, and  
8 50-30 and by adding Sections 1-13.1, 1-15.47, 1-15.48, 20-17,  
9 and 50-39.1 as follows:

10 (30 ILCS 500/1-12)

11 (Section scheduled to be repealed on December 31, 2016)

12 Sec. 1-12. Applicability to artistic or musical services.

13 (a) This Code shall not apply to procurement expenditures  
14 necessary to provide artistic or musical services,  
15 performances, or theatrical productions held at a venue  
16 operated or leased by a State agency.

17 (b) Notice of each contract entered into by a State agency  
18 that is related to the procurement of goods and services  
19 identified in this Section shall be published in the Illinois  
20 Procurement Bulletin within 14 calendar days after contract  
21 execution. The chief procurement officer shall prescribe the  
22 form and content of the notice. Each State agency shall provide  
23 the chief procurement officer, on a monthly basis, in the form  
24 and content prescribed by the chief procurement officer, a

1 report of contracts that are related to the procurement of  
2 goods and services identified in this Section. At a minimum,  
3 this report shall include the name of the contractor, a  
4 description of the supply or service provided, the total amount  
5 of the contract, the term of the contract, and the exception to  
6 the Code utilized. A copy of any or all of these contracts  
7 shall be made available to the chief procurement officer  
8 immediately upon request. The chief procurement officer shall  
9 submit a report to the Governor and General Assembly no later  
10 than November 1 of each year that shall include, at a minimum,  
11 an annual summary of the monthly information reported to the  
12 chief procurement officer.

13 (c) (Blank). ~~This Section is repealed December 31, 2016.~~

14 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

15 (30 ILCS 500/1-13)

16 (Section scheduled to be repealed on December 31, 2016)

17 Sec. 1-13. Applicability to public institutions of higher  
18 education.

19 (a) This Code shall apply to public institutions of higher  
20 education, regardless of the source of the funds with which  
21 contracts are paid, except as provided in this Section.

22 (b) Except as provided in this Section, this Code shall not  
23 apply to procurements made by or on behalf of public  
24 institutions of higher education for any of the following:

25 (1) Memberships in professional, academic, research,

1 or athletic organizations on behalf of a public institution  
2 of higher education, an employee of a public institution of  
3 higher education, or a student at a public institution of  
4 higher education.

5 (2) Procurement expenditures for events or activities  
6 paid for exclusively by revenues generated by the event or  
7 activity, gifts or donations for the event or activity,  
8 private grants, or any combination thereof.

9 (3) Procurement expenditures for events or activities  
10 for which the use of specific potential contractors is  
11 mandated or identified by the sponsor of the event or  
12 activity, provided that the sponsor is providing a majority  
13 of the funding for the event or activity.

14 (4) Procurement expenditures necessary to provide  
15 athletic, artistic, or musical services, performances,  
16 events, or productions ~~held at a venue operated by~~ or for a  
17 public institution of higher education.

18 (5) Procurement expenditures for periodicals, ~~and~~  
19 books, subscriptions, database licenses, and other  
20 publications procured for use by a university library or  
21 academic department, ~~except for expenditures related to~~  
22 ~~procuring textbooks for student use or materials for resale~~  
23 ~~or rental.~~

24 (6) Procurement expenditures for placement of students  
25 in externships, practicums, field experiences, and for  
26 medical residencies and rotations.

1           (7) (Blank). ~~Contracts for programming and broadcast~~  
2 ~~license rights for university-operated radio and~~  
3 ~~television stations.~~

4           (8) Procurement expenditures necessary to perform  
5 sponsored research and other sponsored activities under  
6 grants and contracts funded by the sponsor or by sources  
7 other than State appropriations.

8           (9) Procurement expenditures for new and used  
9 textbooks offered for resale.

10          (10) Procurement expenditures for good and services  
11 provided by national and regional higher education  
12 consortium groups pursuant to competitive solicitation  
13 where fair pricing is determined.

14          (11) Contracts with a foreign entity for research or  
15 educational activities, provided that the foreign entity  
16 either does not maintain an office in the United States or  
17 is the sole source of the service or product.

18          (12) Procurement expenditures for health care  
19 professionals and for goods and services for the delivery  
20 of care and treatment or education at medical, dental, or  
21 veterinary teaching facilities utilized by the University  
22 of Illinois or Southern Illinois University.

23          (13) Procurement of goods and services for  
24 university-operated health care centers and dispensaries  
25 that provide care, treatment, and medications for  
26 students, faculty, and staff.

1           (14) Procurement expenditures for student health  
2           insurance programs.

3           (15) Procurement of medical or bio-medical goods and  
4           services.

5           (16) Contracts for programming and broadcast license  
6           rights for university-operated radio and television  
7           stations.

8           (17) Procurement expenditures for used equipment.

9           (18) Procurement of food items for commercial resale.

10          (19) Procurement expenditures for investments,  
11          banking, insurance, and debt underwriting.

12 Notice of each contract entered into by a public institution of  
13 higher education that is related to the procurement of goods  
14 and services identified in items (1) through (19) ~~(7)~~ of this  
15 subsection shall be published in the Procurement Bulletin  
16 within 14 calendar days after contract execution. The Chief  
17 Procurement Officer shall prescribe the form and content of the  
18 notice. Each public institution of higher education shall  
19 provide the Chief Procurement Officer, on a monthly basis, in  
20 the form and content prescribed by the ~~Chief Procurement~~  
21 ~~Officer~~, an annual ~~a~~ report of contracts that are related to  
22 the procurement of goods and services identified in this  
23 subsection. At a minimum, this report shall include the name of  
24 the contractor, a description of the supply or service  
25 provided, the total amount of the contract, the term of the  
26 contract, and the exception to the Code utilized. A copy of any

1 or all of these contracts shall be made available to the Chief  
2 Procurement Officer immediately upon request. The Chief  
3 Procurement Officer shall submit a report to the Governor and  
4 General Assembly no later than November 1 of each year ~~that~~  
5 ~~shall include, at a minimum, an annual summary of the monthly~~  
6 ~~information reported to the Chief Procurement Officer.~~

7 (b-5) (Blank). ~~Except as provided in this subsection, the~~  
8 ~~provisions of this Code shall not apply to contracts for~~  
9 ~~FDA regulated supplies, and to contracts for medical services~~  
10 ~~necessary for the delivery of care and treatment at medical,~~  
11 ~~dental, or veterinary teaching facilities utilized by Southern~~  
12 ~~Illinois University or the University of Illinois. Other~~  
13 ~~supplies and services needed for these teaching facilities~~  
14 ~~shall be subject to the jurisdiction of the Chief Procurement~~  
15 ~~Officer for Public Institutions of Higher Education who may~~  
16 ~~establish expedited procurement procedures and may waive or~~  
17 ~~modify certification, contract, hearing, process and~~  
18 ~~registration requirements required by the Code. All~~  
19 ~~procurements made under this subsection shall be documented and~~  
20 ~~may require publication in the Illinois Procurement Bulletin.~~

21 (c) (Blank). ~~Procurements made by or on behalf of public~~  
22 ~~institutions of higher education for any of the following shall~~  
23 ~~be made in accordance with the requirements of this Code to the~~  
24 ~~extent practical as provided in this subsection:~~

25 ~~(1) Contracts with a foreign entity necessary for~~  
26 ~~research or educational activities, provided that the~~

1 ~~foreign entity either does not maintain an office in the~~  
2 ~~United States or is the sole source of the service or~~  
3 ~~product.~~

4 ~~(2) (Blank).~~

5 ~~(3) (Blank).~~

6 ~~(4) Procurements required for fulfillment of a grant.~~

7 ~~Upon the written request of a public institution of higher~~  
8 ~~education, the Chief Procurement Officer may waive~~  
9 ~~registration, certification, and hearing requirements of this~~  
10 ~~Code if, based on the item to be procured or the terms of a~~  
11 ~~grant, compliance is impractical. The public institution of~~  
12 ~~higher education shall provide the Chief Procurement Officer~~  
13 ~~with specific reasons for the waiver, including the necessity~~  
14 ~~of contracting with a particular potential contractor, and~~  
15 ~~shall certify that an effort was made in good faith to comply~~  
16 ~~with the provisions of this Code. The Chief Procurement Officer~~  
17 ~~shall provide written justification for any waivers. By~~  
18 ~~November 1 of each year, the Chief Procurement Officer shall~~  
19 ~~file a report with the General Assembly identifying each~~  
20 ~~contract approved with waivers and providing the justification~~  
21 ~~given for any waivers for each of those contracts. Notice of~~  
22 ~~each waiver made under this subsection shall be published in~~  
23 ~~the Procurement Bulletin within 14 calendar days after contract~~  
24 ~~execution. The Chief Procurement Officer shall prescribe the~~  
25 ~~form and content of the notice.~~

26 (d) Notwithstanding this Section, a waiver of the

1 registration requirements of Section 20-160 does not permit a  
2 business entity and any affiliated entities or affiliated  
3 persons to make campaign contributions if otherwise prohibited  
4 by Section 50-37. The total amount of contracts awarded in  
5 accordance with this Section shall be included in determining  
6 the aggregate amount of contracts or pending bids of a business  
7 entity and any affiliated entities or affiliated persons.

8 (e) Notwithstanding subsection (e) of Section 50-10.5 of  
9 this Code, the Chief Procurement Officer, with the approval of  
10 the Executive Ethics Commission, may permit a public  
11 institution of higher education to accept a bid or enter into a  
12 contract with a business that assisted the public institution  
13 of higher education in determining whether there is a need for  
14 a contract or assisted in reviewing, drafting, or preparing  
15 documents related to a bid or contract, provided that the bid  
16 or contract is essential to research administered by the public  
17 institution of higher education and it is in the best interest  
18 of the public institution of higher education to accept the bid  
19 or contract. For purposes of this subsection, "business"  
20 includes all individuals with whom a business is affiliated,  
21 including, but not limited to, any officer, agent, employee,  
22 consultant, independent contractor, director, partner,  
23 manager, or shareholder of a business. The Executive Ethics  
24 Commission may promulgate rules and regulations for the  
25 implementation and administration of the provisions of this  
26 subsection (e).

1 (f) As used in this Section:

2 "Grant" means non-appropriated funding provided by a  
3 federal or private entity to support a project or program  
4 administered by a public institution of higher education and  
5 any non-appropriated funding provided to a sub-recipient of the  
6 grant.

7 "Public institution of higher education" means Chicago  
8 State University, Eastern Illinois University, Governors State  
9 University, Illinois State University, Northeastern Illinois  
10 University, Northern Illinois University, Southern Illinois  
11 University, University of Illinois, Western Illinois  
12 University, and, for purposes of this Code only, the Illinois  
13 Mathematics and Science Academy.

14 (g) (Blank). ~~This Section is repealed on December 31, 2016.~~  
15 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12;  
16 98-1076, eff. 1-1-15.)

17 (30 ILCS 500/1-13.1 new)

18 Sec. 1-13.1. Continuation of Section 1-13 of this Code;  
19 validation.

20 (a) The General Assembly finds and declares that:

21 (1) Public Act 98-1076, which took effect on January 1,  
22 2015, changed the repeal date set for Section 1-13 of this  
23 Code from December 31, 2014 to December 31, 2016.

24 (2) The Statute on Statutes sets forth general rules on  
25 the repeal of statutes and the construction of multiple

1 amendments, but Section 1 of that Act also states that  
2 these rules will not be observed when the result would be  
3 "inconsistent with the manifest intent of the General  
4 Assembly or repugnant to the context of the statute".

5 (3) This amendatory Act of the 99th General Assembly  
6 manifests the intention of the General Assembly to remove  
7 the repeal of Section 1-13 of this Code.

8 (4) Section 1-13 of this Code was originally enacted to  
9 protect, promote, and preserve the general welfare. Any  
10 construction of Section 1-13 of this Code that results in  
11 the repeal of that Section on December 31, 2014 would be  
12 inconsistent with the manifest intent of the General  
13 Assembly and repugnant to the context of this Code.

14 (b) It is hereby declared to have been the intent of the  
15 General Assembly that Section 1-13 of this Code not be subject  
16 to repeal on December 31, 2014.

17 (c) Section 1-13 of this Code shall be deemed to have been  
18 in continuous effect since December 20, 2011 (the effective  
19 date of Public Act 97-643), and it shall continue to be in  
20 effect henceforward until it is otherwise lawfully repealed.  
21 All previously enacted amendments to Section 1-13 of this Code  
22 taking effect on or after December 31, 2014, are hereby  
23 validated.

24 (d) All actions taken in reliance on or pursuant to Section  
25 1-13 of this Code by any public institution of higher  
26 education, person, or entity are hereby validated.

1       (e) In order to ensure the continuing effectiveness of  
2       Section 1-13 of this Code, it is set forth in full and  
3       re-enacted by this amendatory Act of the 99th General Assembly.  
4       This re-enactment is intended as a continuation of that  
5       Section. It is not intended to supersede any amendment to that  
6       Section that is enacted by the 99th General Assembly.

7       (f) In this amendatory Act of the 99th General Assembly,  
8       the base text of the reenacted Section is set forth as amended  
9       by Public Act 98-1076. Striking and underscoring is used only  
10       to show changes being made to the base text by this amendatory  
11       Act of the 99th General Assembly.

12       (g) Section 1-13 of this Code applies to all procurements  
13       made on or before the effective date of this amendatory Act of  
14       the 99th General Assembly.

15       (30 ILCS 500/1-15.15)

16       Sec. 1-15.15. Chief Procurement Officer. "Chief  
17 Procurement Officer" means any of the 3 ~~4~~ persons appointed or  
18 approved by a majority of the members of the Executive Ethics  
19 Commission:

20       (1) (Blank). ~~for procurements for construction and~~  
21       ~~construction-related services committed by law to the~~  
22       ~~jurisdiction or responsibility of the Capital Development~~  
23       ~~Board, the independent chief procurement officer appointed~~  
24       ~~by a majority of the members of the Executive Ethics~~  
25       ~~Commission.~~

1           (2) for procurements for all construction,  
2 construction-related services, operation of any facility,  
3 and the provision of any construction or  
4 construction-related service or activity committed by law  
5 to the jurisdiction or responsibility of the Illinois  
6 Department of Transportation, including the direct or  
7 reimbursable expenditure of all federal funds for which the  
8 Department of Transportation is responsible or accountable  
9 for the use thereof in accordance with federal law,  
10 regulation, or procedure, the independent chief  
11 procurement officer appointed by the Secretary of  
12 Transportation with the consent of the majority of the  
13 members of the Executive Ethics Commission, as well as for  
14 procurements for construction and construction-related  
15 services committed by law to the jurisdiction or  
16 responsibility of the Capital Development Board.

17           (3) for all procurements made by a public institution  
18 of higher education, the independent chief procurement  
19 officer appointed by a majority of the members of the  
20 Executive Ethics Commission.

21           (4) (Blank).

22           (5) for all other procurements, the independent chief  
23 procurement officer appointed by a majority of the members  
24 of the Executive Ethics Commission.

25 (Source: P.A. 95-481, eff. 8-28-07; 96-795, eff. 7-1-10 (see  
26 Section 5 of P.A. 96-793 for the effective date of changes made

1 by P.A. 96-795); 96-920, eff. 7-1-10.)

2 (30 ILCS 500/1-15.47 new)

3 Sec. 1-15.47. Master contract. "Master contract" means a  
4 definite quantity, indefinite quantity, or requirements  
5 contract awarded in accordance with this Code, against which  
6 subsequent orders may be placed to meet the needs of a State  
7 agency. A master contract may be for use by a single State  
8 agency or for multiple State agencies and other entities as  
9 authorized under the Governmental Joint Purchasing Act.

10 (30 ILCS 500/1-15.48 new)

11 Sec. 1-15.48. Multiple award. "Multiple award" means an  
12 award that is made to 2 or more bidders or offerors for similar  
13 supplies, services, or construction-related services.

14 (30 ILCS 500/5-5)

15 Sec. 5-5. Procurement Policy Board.

16 (a) Creation. There is created a Procurement Policy Board,  
17 an agency of the State of Illinois.

18 (b) Authority and duties. The Board shall have the  
19 authority and responsibility to review, comment upon, and  
20 recommend, consistent with this Code, rules and practices  
21 governing the procurement, management, control, and disposal  
22 of supplies, services, professional or artistic services,  
23 construction, and real property and capital improvement leases

1 procured by the State. The Board shall also have the authority  
2 to recommend a program for professional development and provide  
3 opportunities for training in procurement practices and  
4 policies to chief procurement officers and their staffs in  
5 order to ensure that all procurement is conducted in an  
6 efficient, professional, and appropriately transparent manner.

7 Upon a three-fifths vote of its members, the Board may  
8 review a contract. Upon a three-fifths vote of its members, the  
9 Board may propose procurement rules for consideration by chief  
10 procurement officers. These proposals shall be published in  
11 each volume of the Procurement Bulletin. Except as otherwise  
12 provided by law, the Board shall act upon the vote of a  
13 majority of its members who have been appointed and are  
14 serving.

15 (b-5) Reviews, studies, and hearings. The Board may review,  
16 study, and hold public hearings concerning the implementation  
17 and administration of this Code. Each chief procurement  
18 officer, State purchasing officer, ~~procurement compliance~~  
19 ~~monitor,~~ and State agency shall cooperate with the Board,  
20 provide information to the Board, and be responsive to the  
21 Board in the Board's conduct of its reviews, studies, and  
22 hearings.

23 (c) Members. The Board shall consist of 5 members appointed  
24 one each by the 4 legislative leaders and the Governor. Each  
25 member shall have demonstrated sufficient business or  
26 professional experience in the area of procurement to perform

1 the functions of the Board. No member may be a member of the  
2 General Assembly.

3 (d) Terms. Of the initial appointees, the Governor shall  
4 designate one member, as Chairman, to serve a one-year term,  
5 the President of the Senate and the Speaker of the House shall  
6 each appoint one member to serve 3-year terms, and the Minority  
7 Leader of the House and the Minority Leader of the Senate shall  
8 each appoint one member to serve 2-year terms. Subsequent terms  
9 shall be 4 years. Members may be reappointed for succeeding  
10 terms.

11 (e) Reimbursement. Members shall receive no compensation  
12 but shall be reimbursed for any expenses reasonably incurred in  
13 the performance of their duties.

14 (f) Staff support. Upon a three-fifths vote of its members,  
15 the Board may employ an executive director. Subject to  
16 appropriation, the Board also may employ a reasonable and  
17 necessary number of staff persons.

18 (g) Meetings. Meetings of the Board may be conducted  
19 telephonically, electronically, or through the use of other  
20 telecommunications. Written minutes of such meetings shall be  
21 created and available for public inspection and copying.

22 (h) Procurement recommendations. Upon a three-fifths vote  
23 of its members, the Board may review a proposal, bid, or  
24 contract and issue a recommendation to void a contract or  
25 reject a proposal or bid based on any violation of this Code or  
26 the existence of a conflict of interest as described in

1 subsections (b) and (d) of Section 50-35. A chief procurement  
2 officer or State purchasing officer shall notify the Board if  
3 an alleged conflict of interest or violation of the Code is  
4 identified, discovered, or reasonably suspected to exist. Any  
5 person or entity may notify the Board of an alleged conflict of  
6 interest or violation of the Code. A recommendation of the  
7 Board shall be delivered to the appropriate chief procurement  
8 officer and Executive Ethics Commission within 7 calendar days  
9 and must be published in the next volume of the Procurement  
10 Bulletin. In the event that an alleged conflict of interest or  
11 violation of the Code that was not originally disclosed with  
12 the bid, offer, or proposal is identified and filed with the  
13 Board, the Board shall provide written notice of the alleged  
14 conflict of interest or violation to the bidder, offeror,  
15 potential contractor, contractor, or subcontractor on that  
16 contract. If the alleged conflict of interest or violation is  
17 by the subcontractor, written notice shall also be provided to  
18 the bidder, offeror, potential contractor, or contractor. The  
19 bidder, offeror, potential contractor, contractor, or  
20 subcontractor shall have 15 calendar days to provide a written  
21 response to the notice, and a hearing before the Board on the  
22 alleged conflict of interest or violation shall be held upon  
23 request by the bidder, offeror, potential contractor,  
24 contractor, or subcontractor. The requested hearing date and  
25 time shall be determined by the Board, but in no event shall  
26 the hearing occur later than 15 calendar days after the date of

1 the request.

2 (i) After providing notice and a hearing as required by  
3 subsection (h), the Board shall refer any alleged violations of  
4 this Code to the Executive Inspector General in addition to or  
5 instead of issuing a recommendation to void a contract.

6 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

7 (30 ILCS 500/10-20)

8 Sec. 10-20. Independent chief procurement officers.

9 (a) Appointment. Within 60 calendar days after the  
10 effective date of this amendatory Act of the 96th General  
11 Assembly, the Executive Ethics Commission, with the advice and  
12 consent of the Senate shall appoint or approve 3 ~~4~~ chief  
13 procurement officers, one for each of the following categories:

14 (1) (blank); ~~for procurements for construction and~~  
15 ~~construction related services committed by law to the~~  
16 ~~jurisdiction or responsibility of the Capital Development~~  
17 ~~Board;~~

18 (2) for procurements for all construction,  
19 construction-related services, operation of any facility,  
20 and the provision of any service or activity committed by  
21 law to the jurisdiction or responsibility of the Illinois  
22 Department of Transportation, including the direct or  
23 reimbursable expenditure of all federal funds for which the  
24 Department of Transportation is responsible or accountable  
25 for the use thereof in accordance with federal law,

1 regulation, or procedure, the chief procurement officer  
2 recommended for approval under this item appointed by the  
3 Secretary of Transportation after consent by the Executive  
4 Ethics Commission, as well as for procurements for  
5 construction and construction-related services committed  
6 by law to the jurisdiction or responsibility of the Capital  
7 Development Board;

8 (3) for all procurements made by a public institution  
9 of higher education; and

10 (4) for all other procurement needs of State agencies.

11 A chief procurement officer shall be responsible to the  
12 Executive Ethics Commission but must be located within the  
13 agency that the officer provides with procurement services. The  
14 chief procurement officer for higher education shall have an  
15 office located within the Board of Higher Education, unless  
16 otherwise designated by the Executive Ethics Commission. The  
17 chief procurement officer for all other procurement needs of  
18 the State shall have an office located within the Department of  
19 Central Management Services, unless otherwise designated by  
20 the Executive Ethics Commission.

21 (b) Terms and independence. Each chief procurement officer  
22 appointed under this Section shall serve for a term of 5 years  
23 beginning on the date of the officer's appointment. The chief  
24 procurement officer may be removed for cause after a hearing by  
25 the Executive Ethics Commission. The Governor or the director  
26 of a State agency directly responsible to the Governor may

1 institute a complaint against the officer by filing such  
2 complaint with the Commission. The Commission shall have a  
3 hearing based on the complaint. The officer and the complainant  
4 shall receive reasonable notice of the hearing and shall be  
5 permitted to present their respective arguments on the  
6 complaint. After the hearing, the Commission shall make a  
7 finding on the complaint and may take disciplinary action,  
8 including but not limited to removal of the officer.

9 The salary of a chief procurement officer shall be  
10 established by the Executive Ethics Commission and may not be  
11 diminished during the officer's term. The salary may not exceed  
12 the salary of the director of a State agency for which the  
13 officer serves as chief procurement officer.

14 (c) Qualifications. In addition to any other requirement or  
15 qualification required by State law, each chief procurement  
16 officer must within 12 months of employment be a Certified  
17 Professional Public Buyer or a Certified Public Purchasing  
18 Officer, pursuant to certification by the Universal Public  
19 Purchasing Certification Council, and must reside in Illinois.

20 (d) Fiduciary duty. Each chief procurement officer owes a  
21 fiduciary duty to the State.

22 (e) Vacancy. In case of a vacancy in one or more of the  
23 offices of a chief procurement officer under this Section  
24 during the recess of the Senate, the Executive Ethics  
25 Commission shall make a temporary appointment until the next  
26 meeting of the Senate, when the Executive Ethics Commission

1 shall nominate some person to fill the office, and any person  
2 so nominated who is confirmed by the Senate shall hold office  
3 during the remainder of the term and until his or her successor  
4 is appointed and qualified. If the Senate is not in session at  
5 the time this amendatory Act of the 96th General Assembly takes  
6 effect, the Executive Ethics Commission shall make a temporary  
7 appointment as in the case of a vacancy.

8 (f) (Blank).

9 (g) (Blank).

10 (Source: P.A. 98-1076, eff. 1-1-15.)

11 (30 ILCS 500/20-5)

12 Sec. 20-5. Method of source selection. Unless otherwise  
13 authorized by law, all State contracts shall be awarded by  
14 competitive sealed bidding, in accordance with Section 20-10,  
15 except as provided in Sections 20-15, 20-17, 20-20, 20-25,  
16 20-30, 20-35, 30-15, and 40-20. The chief procurement officers  
17 appointed pursuant to Section 10-20 may determine the method of  
18 solicitation and contract for all procurements pursuant to this  
19 Code.

20 (Source: P.A. 98-1076, eff. 1-1-15.)

21 (30 ILCS 500/20-10)

22 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,  
23 and 98-1076)

24 Sec. 20-10. Competitive sealed bidding; reverse auction.

1           (a) Conditions for use. All contracts shall be awarded by  
2 competitive sealed bidding except as otherwise provided in  
3 Section 20-5.

4           (b) Invitation for bids. An invitation for bids shall be  
5 issued and shall include a purchase description and the  
6 material contractual terms and conditions applicable to the  
7 procurement.

8           (c) Public notice. Public notice of the invitation for bids  
9 shall be published in the Illinois Procurement Bulletin at  
10 least 14 calendar days before the date set in the invitation  
11 for the opening of bids.

12           (d) Bid opening. Bids shall be opened publicly in the  
13 presence of one or more witnesses at the time and place  
14 designated in the invitation for bids. The name of each bidder,  
15 the amount of each bid, and other relevant information as may  
16 be specified by rule shall be recorded. After the award of the  
17 contract, the winning bid and the record of each unsuccessful  
18 bid shall be open to public inspection.

19           (e) Bid acceptance and bid evaluation. Bids shall be  
20 unconditionally accepted without alteration or correction,  
21 except as authorized in this Code. Bids shall be evaluated  
22 based on the requirements set forth in the invitation for bids,  
23 which may include criteria to determine acceptability such as  
24 inspection, testing, quality, workmanship, delivery, and  
25 suitability for a particular purpose. Those criteria that will  
26 affect the bid price and be considered in evaluation for award,

1 such as discounts, transportation costs, and total or life  
2 cycle costs, shall be objectively measurable. The invitation  
3 for bids shall set forth the evaluation criteria to be used.

4 (f) Correction or withdrawal of bids. Correction or  
5 withdrawal of inadvertently erroneous bids before or after  
6 award, or cancellation of awards of contracts based on bid  
7 mistakes, shall be permitted in accordance with rules. After  
8 bid opening, no changes in bid prices or other provisions of  
9 bids prejudicial to the interest of the State or fair  
10 competition shall be permitted. All decisions to permit the  
11 correction or withdrawal of bids based on bid mistakes shall be  
12 supported by written determination made by a State purchasing  
13 officer.

14 (g) Award. The contract shall be awarded with reasonable  
15 promptness by written notice to the lowest responsible and  
16 responsive bidder whose bid meets the requirements and criteria  
17 set forth in the invitation for bids, except when a State  
18 purchasing officer determines it is not in the best interest of  
19 the State and by written explanation determines another bidder  
20 shall receive the award. The explanation shall appear in the  
21 appropriate volume of the Illinois Procurement Bulletin. The  
22 written explanation must include:

23 (1) a description of the agency's needs;

24 (2) a determination that the anticipated cost will be  
25 fair and reasonable;

26 (3) a listing of all responsible and responsive

1           bidders; and

2                   (4) the name of the bidder selected, the total contract  
3           price, and the reasons for selecting that bidder.

4           When a multiple award is contemplated, the solicitation  
5           shall identify the award criteria and a detailed method of  
6           selecting from among the multiple awardees.

7           Each chief procurement officer may adopt guidelines to  
8           implement the requirements of this subsection (g).

9           The written explanation shall be filed with the Legislative  
10          Audit Commission and the Procurement Policy Board, and be made  
11          available for inspection by the public, within 30 calendar days  
12          after the agency's decision to award the contract.

13          (h) Multi-step sealed bidding. When it is considered  
14          impracticable to initially prepare a purchase description to  
15          support an award based on price, an invitation for bids may be  
16          issued requesting the submission of unpriced offers to be  
17          followed by written requests for sealed quotes with pricing to  
18          meet the immediate need and ~~an invitation for bids~~ limited to  
19          those bidders whose offers have been qualified under the  
20          criteria set forth in the first solicitation. An award shall be  
21          made to the responsible vendor with the lowest priced quote  
22          meeting the needs of the State agency.

23          (i) Alternative procedures. Notwithstanding any other  
24          provision of this Act to the contrary, the Director of the  
25          Illinois Power Agency may create alternative bidding  
26          procedures to be used in procuring professional services under

1 subsection (a) of Section 1-75 and subsection (d) of Section  
2 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)  
3 of the Public Utilities Act and to procure renewable energy  
4 resources under Section 1-56 of the Illinois Power Agency Act.  
5 These alternative procedures shall be set forth together with  
6 the other criteria contained in the invitation for bids, and  
7 shall appear in the appropriate volume of the Illinois  
8 Procurement Bulletin.

9 (j) Reverse auction. Notwithstanding any other provision  
10 of this Section and in accordance with rules adopted by the  
11 chief procurement officer, that chief procurement officer may  
12 procure supplies or services through a competitive electronic  
13 auction bidding process after the chief procurement officer  
14 determines that the use of such a process will be in the best  
15 interest of the State. The chief procurement officer shall  
16 publish that determination in his or her next volume of the  
17 Illinois Procurement Bulletin.

18 An invitation for bids shall be issued and shall include  
19 (i) a procurement description, (ii) all contractual terms,  
20 whenever practical, and (iii) conditions applicable to the  
21 procurement, including a notice that bids will be received in  
22 an electronic auction manner.

23 Public notice of the invitation for bids shall be given in  
24 the same manner as provided in subsection (c).

25 Bids shall be accepted electronically at the time and in  
26 the manner designated in the invitation for bids. During the

1 auction, a bidder's price shall be disclosed to other bidders.  
2 Bidders shall have the opportunity to reduce their bid prices  
3 during the auction. At the conclusion of the auction, the  
4 record of the bid prices received and the name of each bidder  
5 shall be open to public inspection.

6 After the auction period has terminated, withdrawal of bids  
7 shall be permitted as provided in subsection (f).

8 The contract shall be awarded within 60 calendar days after  
9 the auction by written notice to the lowest responsible bidder,  
10 or all bids shall be rejected except as otherwise provided in  
11 this Code. Extensions of the date for the award may be made by  
12 mutual written consent of the State purchasing officer and the  
13 lowest responsible bidder.

14 This subsection does not apply to (i) procurements of  
15 professional and artistic services, (ii) telecommunications  
16 services, communication services, and information services,  
17 and (iii) contracts for construction projects, including  
18 design professional services.

19 (Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;  
20 98-1076, eff. 1-1-15.)

21 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,  
22 and 98-1076)

23 Sec. 20-10. Competitive sealed bidding; reverse auction.

24 (a) Conditions for use. All contracts shall be awarded by  
25 competitive sealed bidding except as otherwise provided in

1 Section 20-5.

2 (b) Invitation for bids. An invitation for bids shall be  
3 issued and shall include a purchase description and the  
4 material contractual terms and conditions applicable to the  
5 procurement.

6 (c) Public notice. Public notice of the invitation for bids  
7 shall be published in the Illinois Procurement Bulletin at  
8 least 14 calendar days before the date set in the invitation  
9 for the opening of bids.

10 (d) Bid opening. Bids shall be opened publicly in the  
11 presence of one or more witnesses at the time and place  
12 designated in the invitation for bids. The name of each bidder,  
13 the amount of each bid, and other relevant information as may  
14 be specified by rule shall be recorded. After the award of the  
15 contract, the winning bid and the record of each unsuccessful  
16 bid shall be open to public inspection.

17 (e) Bid acceptance and bid evaluation. Bids shall be  
18 unconditionally accepted without alteration or correction,  
19 except as authorized in this Code. Bids shall be evaluated  
20 based on the requirements set forth in the invitation for bids,  
21 which may include criteria to determine acceptability such as  
22 inspection, testing, quality, workmanship, delivery, and  
23 suitability for a particular purpose. Those criteria that will  
24 affect the bid price and be considered in evaluation for award,  
25 such as discounts, transportation costs, and total or life  
26 cycle costs, shall be objectively measurable. The invitation

1 for bids shall set forth the evaluation criteria to be used.

2 (f) Correction or withdrawal of bids. Correction or  
3 withdrawal of inadvertently erroneous bids before or after  
4 award, or cancellation of awards of contracts based on bid  
5 mistakes, shall be permitted in accordance with rules. After  
6 bid opening, no changes in bid prices or other provisions of  
7 bids prejudicial to the interest of the State or fair  
8 competition shall be permitted. All decisions to permit the  
9 correction or withdrawal of bids based on bid mistakes shall be  
10 supported by written determination made by a State purchasing  
11 officer.

12 (g) Award. The contract shall be awarded with reasonable  
13 promptness by written notice to the lowest responsible and  
14 responsive bidder whose bid meets the requirements and criteria  
15 set forth in the invitation for bids, except when a State  
16 purchasing officer determines it is not in the best interest of  
17 the State and by written explanation determines another bidder  
18 shall receive the award. The explanation shall appear in the  
19 appropriate volume of the Illinois Procurement Bulletin. The  
20 written explanation must include:

- 21 (1) a description of the agency's needs;
- 22 (2) a determination that the anticipated cost will be  
23 fair and reasonable;
- 24 (3) a listing of all responsible and responsive  
25 bidders; and
- 26 (4) the name of the bidder selected, the total contract

1 price, and the reasons for selecting that bidder.

2 When a multiple award is contemplated, the solicitation  
3 shall identify the award criteria and a detailed method of  
4 selecting from among the multiple awardees.

5 Each chief procurement officer may adopt guidelines to  
6 implement the requirements of this subsection (g).

7 The written explanation shall be filed with the Legislative  
8 Audit Commission and the Procurement Policy Board, and be made  
9 available for inspection by the public, within 30 days after  
10 the agency's decision to award the contract.

11 (h) Multi-step sealed bidding. When it is considered  
12 impracticable to initially prepare a purchase description to  
13 support an award based on price, an invitation for bids may be  
14 issued requesting the submission of unpriced offers to be  
15 followed by written requests for sealed quotes with pricing to  
16 meet the immediate need and ~~an invitation for bids~~ limited to  
17 those bidders whose offers have been qualified under the  
18 criteria set forth in the first solicitation. An award shall be  
19 made to the responsible vendor with the lowest priced quote  
20 meeting the needs of the State agency.

21 (i) Alternative procedures. Notwithstanding any other  
22 provision of this Act to the contrary, the Director of the  
23 Illinois Power Agency may create alternative bidding  
24 procedures to be used in procuring professional services under  
25 subsection (a) of Section 1-75 and subsection (d) of Section  
26 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)

1 of the Public Utilities Act and to procure renewable energy  
2 resources under Section 1-56 of the Illinois Power Agency Act.  
3 These alternative procedures shall be set forth together with  
4 the other criteria contained in the invitation for bids, and  
5 shall appear in the appropriate volume of the Illinois  
6 Procurement Bulletin.

7 (j) Reverse auction. Notwithstanding any other provision  
8 of this Section and in accordance with rules adopted by the  
9 chief procurement officer, that chief procurement officer may  
10 procure supplies or services through a competitive electronic  
11 auction bidding process after the chief procurement officer  
12 determines that the use of such a process will be in the best  
13 interest of the State. The chief procurement officer shall  
14 publish that determination in his or her next volume of the  
15 Illinois Procurement Bulletin.

16 An invitation for bids shall be issued and shall include  
17 (i) a procurement description, (ii) all contractual terms,  
18 whenever practical, and (iii) conditions applicable to the  
19 procurement, including a notice that bids will be received in  
20 an electronic auction manner.

21 Public notice of the invitation for bids shall be given in  
22 the same manner as provided in subsection (c).

23 Bids shall be accepted electronically at the time and in  
24 the manner designated in the invitation for bids. During the  
25 auction, a bidder's price shall be disclosed to other bidders.  
26 Bidders shall have the opportunity to reduce their bid prices

1 during the auction. At the conclusion of the auction, the  
2 record of the bid prices received and the name of each bidder  
3 shall be open to public inspection.

4 After the auction period has terminated, withdrawal of bids  
5 shall be permitted as provided in subsection (f).

6 The contract shall be awarded within 60 calendar days after  
7 the auction by written notice to the lowest responsible bidder,  
8 or all bids shall be rejected except as otherwise provided in  
9 this Code. Extensions of the date for the award may be made by  
10 mutual written consent of the State purchasing officer and the  
11 lowest responsible bidder.

12 This subsection does not apply to (i) procurements of  
13 professional and artistic services, (ii) telecommunications  
14 services, communication services, and information services,  
15 and (iii) contracts for construction projects, including  
16 design professional services.

17 (Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;  
18 98-1076, eff. 1-1-15.)

19 (30 ILCS 500/20-15)

20 Sec. 20-15. Competitive sealed proposals.

21 (a) Conditions for use. When provided under this Code or  
22 under rules, or when the purchasing agency determines in  
23 writing that the use of competitive sealed bidding is either  
24 not practicable or not advantageous to the State, a contract  
25 may be entered into by competitive sealed proposals.

1           (b) Request for proposals. Proposals shall be solicited  
2 through a request for proposals.

3           (c) Public notice. Public notice of the request for  
4 proposals shall be published in the Illinois Procurement  
5 Bulletin at least 14 calendar days before the date set in the  
6 invitation for the opening of proposals.

7           (d) Receipt of proposals. Proposals shall be opened  
8 publicly in the presence of one or more witnesses at the time  
9 and place designated in the request for proposals, but  
10 proposals shall be opened in a manner to avoid disclosure of  
11 contents to competing offerors during the process of  
12 negotiation. A record of proposals shall be prepared and shall  
13 be open for public inspection after contract award.

14           (e) Evaluation factors. The requests for proposals shall  
15 state the relative importance of price and other evaluation  
16 factors. Proposals shall be submitted in 2 parts: the first,  
17 covering items except price; and the second, covering price.  
18 The first part of all proposals shall be evaluated and ranked  
19 independently of the second part of all proposals.

20           (f) Discussion with responsible offerors and revisions of  
21 offers or proposals. As provided in the request for proposals  
22 and under rules, discussions may be conducted with responsible  
23 offerors who submit offers or proposals determined to be  
24 reasonably susceptible of being selected for award for the  
25 purpose of clarifying and assuring full understanding of and  
26 responsiveness to the solicitation requirements. Those

1 offerors shall be accorded fair and equal treatment with  
2 respect to any opportunity for discussion and revision of  
3 proposals. Revisions may be permitted after submission and  
4 before award for the purpose of obtaining best and final  
5 offers. In conducting discussions there shall be no disclosure  
6 of any information derived from proposals submitted by  
7 competing offerors. If information is disclosed to any offeror,  
8 it shall be provided to all competing offerors.

9 (g) Award. Awards shall be made to the responsible offeror  
10 whose proposal is determined in writing to be the most  
11 advantageous to the State, taking into consideration price and  
12 the evaluation factors set forth in the request for proposals.  
13 When a multiple award is contemplated, the solicitation shall  
14 identify the award criteria and the detailed method of  
15 selecting from among the multiple awardees. The contract file  
16 shall contain the basis on which any ~~the~~ award is made.

17 (h) Multi-step sealed proposals. A request for proposals  
18 may be issued requesting the submission of offers to establish  
19 a pool of qualified vendors to be followed by written requests  
20 for specific proposals with pricing to meet the immediate need  
21 and limited to those in the pool of qualified vendors.  
22 Clarification, discussions, and best and finals shall be  
23 allowed as in a standard request for proposals in each step of  
24 the process. Award shall be made to the responsible vendors  
25 with the most advantageous proposal, price, and other factors  
26 being considered.

1 (Source: P.A. 98-1076, eff. 1-1-15.)

2 (30 ILCS 500/20-17 new)

3 Sec. 20-17. Best value procurement.

4 (a) As used in this Section, "best value procurement" means  
5 a contract award determined by objective criteria related to  
6 price, features, functions, and life-cycle costs that may  
7 include the following:

8 (1) Total cost of ownership, including warranty, under  
9 which all repair costs are borne solely by the warranty  
10 provider, repair costs, maintenance costs, fuel  
11 consumption, and buy back value.

12 (2) Product performance, productivity, and safety  
13 standards.

14 (3) The supplier's ability to perform to the contract  
15 requirements.

16 (4) Environmental benefits, including reduction of  
17 greenhouse gas emissions, reduction of air pollutant  
18 emissions, or reduction of toxic or hazardous materials.

19 (b) The Department of Transportation may purchase and equip  
20 heavy mobile fleet vehicles, off-road construction equipment,  
21 and special equipment for use by the Department of  
22 Transportation, or other units of government, by means of best  
23 value procurement, using specifications and criteria developed  
24 in consultation with the Department of Transportation.

25 (c) In addition to disclosure of the minimum requirements

1 for qualification, the solicitation document shall specify  
2 what business performance measures, in addition to price, shall  
3 be given a weighted value. The Department of Transportation  
4 shall use a scoring method based on the listed factors and  
5 price in determining the successful bid. Any evaluation and  
6 scoring method shall ensure substantial weight is given to the  
7 contract price. The solicitation document shall provide for  
8 submission of sealed price information. Evaluation of all  
9 criteria other than price shall be completed before the opening  
10 of price information.

11 (30 ILCS 500/20-20)

12 Sec. 20-20. Small purchases.

13 (a) Amount. Any individual procurement of supplies or  
14 services ~~other than professional or artistic services,~~ not  
15 exceeding \$150,000 ~~\$10,000~~ and any procurement of construction  
16 not exceeding \$150,000, or any individual procurement of  
17 professional or artistic services not exceeding \$50,000  
18 ~~\$30,000~~ may be made without competitive sealed bidding.  
19 Procurements shall not be artificially divided so as to  
20 constitute a small purchase under this Section.

21 (b) (Blank). ~~Adjustment. Each July 1, the small purchase~~  
22 ~~maximum established in subsection (a) shall be adjusted for~~  
23 ~~inflation as determined by the Consumer Price Index for All~~  
24 ~~Urban Consumers as determined by the United States Department~~  
25 ~~of Labor and rounded to the nearest \$100.~~

1 (c) Based upon rules proposed by the Board and rules  
2 promulgated by the chief procurement officers, the small  
3 purchase maximum established in subsection (a) may be modified.  
4 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

5 (30 ILCS 500/20-43)

6 Sec. 20-43. Bidder or offeror authorized to do business in  
7 Illinois. In addition to meeting any other requirement of law  
8 or rule, a person (other than an individual acting as a sole  
9 proprietor) may qualify as a bidder or offeror under this Code  
10 only if the person has been organized as ~~is~~ a legal entity  
11 prior to submitting the bid, offer, or proposal. The legal  
12 entity must be authorized to transact business or conduct  
13 affairs in Illinois prior to execution of the contract  
14 ~~submitting the bid, offer, or proposal.~~

15 (Source: P.A. 98-1076, eff. 1-1-15.)

16 (30 ILCS 500/20-160)

17 Sec. 20-160. Business entities; certification;  
18 registration with the State Board of Elections.

19 (a) For purposes of this Section, the terms "business  
20 entity", "contract", "State contract", "contract with a State  
21 agency", "State agency", "affiliated entity", and "affiliated  
22 person" have the meanings ascribed to those terms in Section  
23 50-37.

24 (b) Every bid and offer submitted to and every contract

1 executed by the State on or after January 1, 2009 (the  
2 effective date of Public Act 95-971) and every submission to a  
3 vendor portal shall contain (1) a certification by the bidder,  
4 offeror, vendor, or contractor that either (i) the bidder,  
5 offeror, vendor, or contractor is not required to register as a  
6 business entity with the State Board of Elections pursuant to  
7 this Section or (ii) the bidder, offeror, vendor, or contractor  
8 has registered as a business entity with the State Board of  
9 Elections and acknowledges a continuing duty to update the  
10 registration and (2) a statement that the contract is voidable  
11 under Section 50-60 for the bidder's, offeror's, vendor's, or  
12 contractor's failure to comply with this Section.

13 (c) Each business entity (i) whose aggregate bids and  
14 proposals on State contracts annually total more than \$50,000,  
15 (ii) whose aggregate bids and proposals on State contracts  
16 combined with the business entity's aggregate annual total  
17 value of State contracts exceed \$50,000, or (iii) whose  
18 contracts with State agencies, in the aggregate, annually total  
19 more than \$50,000 shall register with the State Board of  
20 Elections in accordance with Section 9-35 of the Election Code.  
21 A business entity required to register under this subsection  
22 due to item (i) or (ii) has a continuing duty to ensure that  
23 the registration is accurate during the period beginning on the  
24 date of registration and ending on the day after the date the  
25 contract is awarded; any change in information must be reported  
26 to the State Board of Elections 5 business days following such

1 change or no later than a day before the contract is awarded,  
2 whichever date is earlier. A business entity required to  
3 register under this subsection due to item (iii) has a  
4 continuing duty to ensure that the registration is accurate in  
5 accordance with subsection (e).

6 (d) Any business entity, not required under subsection (c)  
7 to register, whose aggregate bids and proposals on State  
8 contracts annually total more than \$50,000, or whose aggregate  
9 bids and proposals on State contracts combined with the  
10 business entity's aggregate annual total value of State  
11 contracts exceed \$50,000, shall register with the State Board  
12 of Elections in accordance with Section 9-35 of the Election  
13 Code prior to submitting to a State agency the bid or proposal  
14 whose value causes the business entity to fall within the  
15 monetary description of this subsection. A business entity  
16 required to register under this subsection has a continuing  
17 duty to ensure that the registration is accurate during the  
18 period beginning on the date of registration and ending on the  
19 day after the date the contract is awarded. Any change in  
20 information must be reported to the State Board of Elections  
21 within 5 business days following such change or no later than a  
22 day before the contract is awarded, whichever date is earlier.

23 (e) A business entity whose contracts with State agencies,  
24 in the aggregate, annually total more than \$50,000 must  
25 maintain its registration under this Section and has a  
26 continuing duty to ensure that the registration is accurate for

1 the duration of the term of office of the incumbent  
2 officeholder awarding the contracts or for a period of 2 years  
3 following the expiration or termination of the contracts,  
4 whichever is longer. A business entity, required to register  
5 under this subsection, has a continuing duty to report any  
6 changes on a quarterly basis to the State Board of Elections  
7 within 14 calendar days following the last day of January,  
8 April, July, and October of each year. Any update pursuant to  
9 this paragraph that is received beyond that date is presumed  
10 late and the civil penalty authorized by subsection (e) of  
11 Section 9-35 of the Election Code (10 ILCS 5/9-35) may be  
12 assessed.

13 Also, if a business entity required to register under this  
14 subsection has a pending bid or offer, any change in  
15 information shall be reported to the State Board of Elections  
16 within 7 calendar days following such change or no later than a  
17 day before the contract is awarded, whichever date is earlier.

18 (f) A business entity's continuing duty under this Section  
19 to ensure the accuracy of its registration includes the  
20 requirement that the business entity notify the State Board of  
21 Elections of any change in information, including but not  
22 limited to changes of affiliated entities or affiliated  
23 persons.

24 (g) For any bid or offer for a contract with a State agency  
25 by a business entity required to register under this Section,  
26 the chief procurement officer shall verify that the business

1 entity is required to register under this Section and is in  
2 compliance with the registration requirements on the date the  
3 bid or offer is due. A chief procurement officer shall not  
4 accept a bid or offer if the business entity is not in  
5 compliance with the registration requirements as of the date  
6 bids or offers are due. Upon discovery of noncompliance with  
7 this Section, if the bidder or offeror made a good faith effort  
8 to comply with registration efforts prior to the date the bid  
9 or offer is due, a chief procurement officer may provide the  
10 bidder or offeror 5 days to achieve compliance. A chief  
11 procurement officer may extend the time to prove compliance by  
12 as long as necessary in the event that there is a failure  
13 within the Board of Elections' registration system.

14 (h) A registration, and any changes to a registration, must  
15 include the business entity's verification of accuracy and  
16 subjects the business entity to the penalties of the laws of  
17 this State for perjury.

18 In addition to any penalty under Section 9-35 of the  
19 Election Code, intentional, willful, or material failure to  
20 disclose information required for registration shall render  
21 the contract, bid, offer, or other procurement relationship  
22 voidable by the chief procurement officer if he or she deems it  
23 to be in the best interest of the State of Illinois.

24 (i) This Section applies regardless of the method of source  
25 selection used in awarding the contract.

26 (Source: P.A. 97-333, eff. 8-12-11; 97-895, eff. 8-3-12;

1 98-1076, eff. 1-1-15.)

2 (30 ILCS 500/35-5)

3 Sec. 35-5. Application. All professional and artistic  
4 services may ~~shall~~ be procured in accordance with the  
5 provisions of this Article or Article 20.

6 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

7 (30 ILCS 500/35-30)

8 Sec. 35-30. Awards.

9 (a) All State contracts for professional and artistic  
10 services procured under this Article, ~~except as provided in~~  
11 ~~this Section~~, shall be awarded using the competitive request  
12 for proposal process outlined in this Section.

13 (b) For each contract offered, the chief procurement  
14 officer, State purchasing officer, or his or her designee shall  
15 use the appropriate standard solicitation forms available from  
16 the chief procurement officer for matters other than  
17 construction or the higher education chief procurement  
18 officer. When a multiple award is contemplated, the  
19 solicitation shall identify the award criteria and the detailed  
20 method of selecting from among the multiple awardees.

21 (c) Prepared forms shall be submitted to the chief  
22 procurement officer for matters other than construction or the  
23 higher education chief procurement officer, whichever is  
24 appropriate, for publication in its Illinois Procurement

1 Bulletin and circulation to the chief procurement officer for  
2 matters other than construction or the higher education chief  
3 procurement officer's list of prequalified vendors. Notice of  
4 the offer or request for proposal shall appear at least 14  
5 calendar days before the response to the offer is due.

6 (d) All interested respondents shall return their  
7 responses to the location and by the time and date designated  
8 in the solicitation, at which time the responses shall be  
9 opened and recorded ~~chief procurement officer for matters other~~  
10 ~~than construction or the higher education chief procurement~~  
11 ~~officer, whichever is appropriate, which shall open and record~~  
12 ~~them. The chief procurement officer for matters other than~~  
13 ~~construction or higher education chief procurement officer~~  
14 ~~then shall forward the responses, together with any information~~  
15 ~~it has available about the qualifications and other State work~~  
16 ~~of the respondents.~~

17 (e) After evaluation, ranking, and selection, the  
18 responsible chief procurement officer, State purchasing  
19 officer, or his or her designee shall ~~notify the chief~~  
20 ~~procurement officer for matters other than construction or the~~  
21 ~~higher education chief procurement officer, whichever is~~  
22 ~~appropriate, of the successful respondent and shall forward a~~  
23 ~~copy of the signed contract for the chief procurement officer~~  
24 ~~for matters other than construction or higher education chief~~  
25 ~~procurement officer's file. The chief procurement officer for~~  
26 ~~matters other than construction or higher education chief~~

1 ~~procurement officer shall~~ publish the names of the responsible  
2 procurement decision-maker, the agency awarding ~~letting~~ the  
3 contract, the successful respondent, a contract reference, and  
4 value of the awarded ~~let~~ contract in the next appropriate  
5 volume of the Illinois Procurement Bulletin.

6 (f) For all professional and artistic contracts procured  
7 under this Article ~~with annualized value that exceeds \$25,000,~~  
8 evaluation and ranking by price are required. Any chief  
9 procurement officer or State purchasing officer, but not their  
10 designees, may select a respondent other than the lowest  
11 respondent by price. When ~~In any case, when~~ the contract  
12 exceeds the \$25,000 threshold and the lowest respondent is not  
13 selected, the chief procurement officer or the State purchasing  
14 officer shall publish the ~~forward together with the contract~~  
15 ~~notice of who the low respondent by price was and a written~~  
16 decision as to why another was selected as part of the notice  
17 of award ~~to the chief procurement officer for matters other~~  
18 ~~than construction or the higher education chief procurement~~  
19 ~~officer, whichever is appropriate. The chief procurement~~  
20 ~~officer for matters other than construction or higher education~~  
21 ~~chief procurement officer shall publish as provided in~~  
22 ~~subsection (c) of Section 35-30, but shall include notice of~~  
23 ~~the chief procurement officer's or State purchasing officer's~~  
24 ~~written decision.~~

25 (g) The chief procurement officer for matters other than  
26 construction and higher education chief procurement officer

1 may each refine, but not contradict, this Section by  
2 promulgating rules for submission to the Procurement Policy  
3 Board and then to the Joint Committee on Administrative Rules.  
4 Any refinement shall be based on the principles and procedures  
5 of the federal Architect-Engineer Selection Law, Public Law  
6 92-582 Brooks Act, and the Architectural, Engineering, and Land  
7 Surveying Qualifications Based Selection Act; except that  
8 pricing shall be an integral part of the selection process.

9 (h) A request for proposals may be issued requesting the  
10 submission of offers to establish a pool of the most qualified  
11 vendors. When a specific need is identified, written requests  
12 for proposals will be directed to the pool of most qualified  
13 vendors to meet that immediate need. Clarification,  
14 discussion, and best and finals shall be allowed as in a  
15 standard request for proposals in each step of the process. The  
16 contract for the immediate need shall be made to the most  
17 qualified vendor with a fair and reasonable price.

18 (Source: P.A. 98-1076, eff. 1-1-15.)

19 (30 ILCS 500/45-45)

20 Sec. 45-45. Small businesses.

21 (a) Set-asides. Each chief procurement officer has  
22 authority to designate as small business set-asides a fair  
23 proportion of construction, supply, and service contracts for  
24 award to small businesses in Illinois. Advertisements for bids  
25 or offers for those contracts shall specify designation as

1 small business set-asides. In awarding the contracts, only bids  
2 or offers from qualified small businesses shall be considered.

3 (b) Small business. "Small business" means a business that  
4 is independently owned and operated and that is not dominant in  
5 its field of operation. The chief procurement officer shall  
6 establish a detailed definition by rule, using in addition to  
7 the foregoing criteria other criteria, including the number of  
8 employees and the dollar volume of business. When computing the  
9 size status of a potential contractor, annual sales and  
10 receipts of the potential contractor and all of its affiliates  
11 shall be included. The maximum number of employees and the  
12 maximum dollar volume that a small business may have under the  
13 rules promulgated by the chief procurement officer may vary  
14 from industry to industry to the extent necessary to reflect  
15 differing characteristics of those industries, subject to the  
16 following limitations:

17 (1) No wholesale business is a small business if its  
18 annual sales for its most recently completed fiscal year  
19 exceed \$13,000,000.

20 (2) No retail business or business selling services is  
21 a small business if it employs more than 100 employees or  
22 if its annual sales and receipts exceed \$15,000,000  
23 ~~\$8,000,000~~.

24 (3) No manufacturing business is a small business if it  
25 employs more than 250 persons.

26 (4) No construction business is a small business if its

1 annual sales and receipts exceed \$14,000,000.

2 (c) Fair proportion. For the purpose of subsection (a), for  
3 State agencies of the executive branch, a fair proportion of  
4 construction contracts shall be no less than 25% nor more than  
5 40% of the annual total contracts for construction.

6 (d) Withdrawal of designation. A small business set-aside  
7 designation may be withdrawn by the purchasing agency when  
8 deemed in the best interests of the State. Upon withdrawal, all  
9 bids or offers shall be rejected, and the bidders or offerors  
10 shall be notified of the reason for rejection. The contract  
11 shall then be awarded in accordance with this Code without the  
12 designation of small business set-aside.

13 (e) Small business specialist. The chief procurement  
14 officer shall designate a State purchasing officer who will be  
15 responsible for engaging an experienced contract negotiator to  
16 serve as its small business specialist, whose duties shall  
17 include:

18 (1) Compiling and maintaining a comprehensive list of  
19 potential small contractors. In this duty, he or she shall  
20 cooperate with the Federal Small Business Administration  
21 in locating potential sources for various products and  
22 services.

23 (2) Assisting small businesses in complying with the  
24 procedures for bidding on State contracts.

25 (3) Examining requests from State agencies for the  
26 purchase of property or services to help determine which

1 invitations to bid are to be designated small business  
2 set-asides.

3 (4) Making recommendations to the chief procurement  
4 officer for the simplification of specifications and terms  
5 in order to increase the opportunities for small business  
6 participation.

7 (5) Assisting in investigations by purchasing agencies  
8 to determine the responsibility of bidders or offerors on  
9 small business set-asides.

10 (f) Small business annual report. The State purchasing  
11 officer designated under subsection (e) shall annually before  
12 December 1 report in writing to the General Assembly concerning  
13 the awarding of contracts to small businesses. The report shall  
14 include the total value of awards made in the preceding fiscal  
15 year under the designation of small business set-aside. The  
16 report shall also include the total value of awards made to  
17 businesses owned by minorities, females, and persons with  
18 disabilities, as defined in the Business Enterprise for  
19 Minorities, Females, and Persons with Disabilities Act, in the  
20 preceding fiscal year under the designation of small business  
21 set-aside.

22 The requirement for reporting to the General Assembly shall  
23 be satisfied by filing copies of the report as required by  
24 Section 3.1 of the General Assembly Organization Act.

25 (Source: P.A. 98-1076, eff. 1-1-15.)

1 (30 ILCS 500/45-57)

2 Sec. 45-57. Veterans.

3 (a) Set-aside goal. It is the goal of the State to promote  
4 and encourage the continued economic development of small  
5 businesses owned and controlled by qualified veterans and that  
6 qualified service-disabled veteran-owned small businesses  
7 (referred to as SDVOSB) and veteran-owned small businesses  
8 (referred to as VOSB) participate in the State's procurement  
9 process as both prime contractors and subcontractors. Not less  
10 than 3% of the total dollar amount of State contracts, as  
11 defined by the Director of Central Management Services, shall  
12 be established as a goal to be awarded to SDVOSB and VOSB. That  
13 portion of a contract under which the contractor subcontracts  
14 with a SDVOSB or VOSB may be counted toward the goal of this  
15 subsection. The Department of Central Management Services  
16 shall adopt rules to implement compliance with this subsection  
17 by all State agencies.

18 (b) Fiscal year reports. By each September 1, each chief  
19 procurement officer shall report to the Department of Central  
20 Management Services on all of the following for the immediately  
21 preceding fiscal year, and by each March 1 the Department of  
22 Central Management Services shall compile and report that  
23 information to the General Assembly:

24 (1) The total number of VOSB, and the number of SDVOSB,  
25 who submitted bids for contracts under this Code.

26 (2) The total number of VOSB, and the number of SDVOSB,

1           who entered into contracts with the State under this Code  
2           and the total value of those contracts.

3           (c) Yearly review and recommendations. Each year, each  
4           chief procurement officer shall review the progress of all  
5           State agencies under its jurisdiction in meeting the goal  
6           described in subsection (a), with input from statewide  
7           veterans' service organizations and from the business  
8           community, including businesses owned by qualified veterans,  
9           and shall make recommendations to be included in the Department  
10          of Central Management Services' report to the General Assembly  
11          regarding continuation, increases, or decreases of the  
12          percentage goal. The recommendations shall be based upon the  
13          number of businesses that are owned by qualified veterans and  
14          on the continued need to encourage and promote businesses owned  
15          by qualified veterans.

16          (d) Governor's recommendations. To assist the State in  
17          reaching the goal described in subsection (a), the Governor  
18          shall recommend to the General Assembly changes in programs to  
19          assist businesses owned by qualified veterans.

20          (e) Definitions. As used in this Section:

21                "Armed forces of the United States" means the United States  
22                Army, Navy, Air Force, Marine Corps, Coast Guard, or service in  
23                active duty as defined under 38 U.S.C. Section 101. Service in  
24                the Merchant Marine that constitutes active duty under Section  
25                401 of federal Public Act 95-202 shall also be considered  
26                service in the armed forces for purposes of this Section.

1 "Certification" means a determination made by the Illinois  
2 Department of Veterans' Affairs and the Department of Central  
3 Management Services that a business entity is a qualified  
4 service-disabled veteran-owned small business or a qualified  
5 veteran-owned small business for whatever purpose. A SDVOSB or  
6 VOSB owned and controlled by females, minorities, or persons  
7 with disabilities, as those terms are defined in Section 2 of  
8 the Business Enterprise for Minorities, Females, and Persons  
9 with Disabilities Act, may also select and designate whether  
10 that business is to be certified as a "female-owned business",  
11 "minority-owned business", or "business owned by a person with  
12 a disability", as defined in Section 2 of the Business  
13 Enterprise for Minorities, Females, and Persons with  
14 Disabilities Act.

15 "Control" means the exclusive, ultimate, majority, or sole  
16 control of the business, including but not limited to capital  
17 investment and all other financial matters, property,  
18 acquisitions, contract negotiations, legal matters,  
19 officer-director-employee selection and comprehensive hiring,  
20 operation responsibilities, cost-control matters, income and  
21 dividend matters, financial transactions, and rights of other  
22 shareholders or joint partners. Control shall be real,  
23 substantial, and continuing, not pro forma. Control shall  
24 include the power to direct or cause the direction of the  
25 management and policies of the business and to make the  
26 day-to-day as well as major decisions in matters of policy,

1 management, and operations. Control shall be exemplified by  
2 possessing the requisite knowledge and expertise to run the  
3 particular business, and control shall not include simple  
4 majority or absentee ownership.

5 "Qualified service-disabled veteran" means a veteran who  
6 has been found to have 10% or more service-connected disability  
7 by the United States Department of Veterans Affairs or the  
8 United States Department of Defense.

9 "Qualified service-disabled veteran-owned small business"  
10 or "SDVOSB" means a small business (i) that is at least 51%  
11 owned by one or more qualified service-disabled veterans living  
12 in Illinois or, in the case of a corporation, at least 51% of  
13 the stock of which is owned by one or more qualified  
14 service-disabled veterans living in Illinois; (ii) that has its  
15 home office in Illinois; and (iii) for which items (i) and (ii)  
16 are factually verified annually by the Department of Central  
17 Management Services.

18 "Qualified veteran-owned small business" or "VOSB" means a  
19 small business (i) that is at least 51% owned by one or more  
20 qualified veterans living in Illinois or, in the case of a  
21 corporation, at least 51% of the stock of which is owned by one  
22 or more qualified veterans living in Illinois; (ii) that has  
23 its home office in Illinois; and (iii) for which items (i) and  
24 (ii) are factually verified annually by the Department of  
25 Central Management Services.

26 "Service-connected disability" means a disability incurred

1 in the line of duty in the active military, naval, or air  
2 service as described in 38 U.S.C. 101(16).

3 "Small business" means a business that has annual gross  
4 sales of less than \$75,000,000 as evidenced by the federal  
5 income tax return of the business. A firm with gross sales in  
6 excess of this cap may apply to the Department of Central  
7 Management Services for certification for a particular  
8 contract if the firm can demonstrate that the contract would  
9 have significant impact on SDVOSB or VOSB as suppliers or  
10 subcontractors or in employment of veterans or  
11 service-disabled veterans.

12 "State agency" has the meaning provided in Section 1-15.100  
13 of this Code. ~~same meaning as in Section 2 of the Business~~  
14 ~~Enterprise for Minorities, Females, and Persons with~~  
15 ~~Disabilities Act.~~

16 "Time of hostilities with a foreign country" means any  
17 period of time in the past, present, or future during which a  
18 declaration of war by the United States Congress has been or is  
19 in effect or during which an emergency condition has been or is  
20 in effect that is recognized by the issuance of a Presidential  
21 proclamation or a Presidential executive order and in which the  
22 armed forces expeditionary medal or other campaign service  
23 medals are awarded according to Presidential executive order.

24 "Veteran" means a person who (i) has been a member of the  
25 armed forces of the United States or, while a citizen of the  
26 United States, was a member of the armed forces of allies of

1 the United States in time of hostilities with a foreign country  
2 and (ii) has served under one or more of the following  
3 conditions: (a) the veteran served a total of at least 6  
4 months; (b) the veteran served for the duration of hostilities  
5 regardless of the length of the engagement; (c) the veteran was  
6 discharged on the basis of hardship; or (d) the veteran was  
7 released from active duty because of a service connected  
8 disability and was discharged under honorable conditions.

9 (f) Certification program. The Illinois Department of  
10 Veterans' Affairs and the Department of Central Management  
11 Services shall work together to devise a certification  
12 procedure to assure that businesses taking advantage of this  
13 Section are legitimately classified as qualified  
14 service-disabled veteran-owned small businesses or qualified  
15 veteran-owned small businesses.

16 (g) Penalties.

17 (1) Administrative penalties. The chief procurement  
18 officers appointed pursuant to Section 10-20 shall suspend  
19 any person who commits a violation of Section 17-10.3 or  
20 subsection (d) of Section 33E-6 of the Criminal Code of  
21 2012 relating to this Section from bidding on, or  
22 participating as a contractor, subcontractor, or supplier  
23 in, any State contract or project for a period of not less  
24 than 3 years, and, if the person is certified as a  
25 service-disabled veteran-owned small business or a  
26 veteran-owned small business, then the Department shall

1           revoke the business's certification for a period of not  
2           less than 3 years. An additional or subsequent violation  
3           shall extend the periods of suspension and revocation for a  
4           period of not less than 5 years. The suspension and  
5           revocation shall apply to the principals of the business  
6           and any subsequent business formed or financed by, or  
7           affiliated with, those principals.

8           (2) Reports of violations. Each State agency shall  
9           report any alleged violation of Section 17-10.3 or  
10          subsection (d) of Section 33E-6 of the Criminal Code of  
11          2012 relating to this Section to the chief procurement  
12          officers appointed pursuant to Section 10-20. The chief  
13          procurement officers appointed pursuant to Section 10-20  
14          shall subsequently report all such alleged violations to  
15          the Attorney General, who shall determine whether to bring  
16          a civil action against any person for the violation.

17          (3) List of suspended persons. The chief procurement  
18          officers appointed pursuant to Section 10-20 shall monitor  
19          the status of all reported violations of Section 17-10.3 or  
20          subsection (d) of Section 33E-6 of the Criminal Code of  
21          1961 or the Criminal Code of 2012 relating to this Section  
22          and shall maintain and make available to all State agencies  
23          a central listing of all persons that committed violations  
24          resulting in suspension.

25          (4) Use of suspended persons. During the period of a  
26          person's suspension under paragraph (1) of this

1 subsection, a State agency shall not enter into any  
2 contract with that person or with any contractor using the  
3 services of that person as a subcontractor.

4 (5) Duty to check list. Each State agency shall check  
5 the central listing provided by the chief procurement  
6 officers appointed pursuant to Section 10-20 under  
7 paragraph (3) of this subsection to verify that a person  
8 being awarded a contract by that State agency, or to be  
9 used as a subcontractor or supplier on a contract being  
10 awarded by that State agency, is not under suspension  
11 pursuant to paragraph (1) of this subsection.

12 (Source: P.A. 97-260, eff. 8-5-11; 97-1150, eff. 1-25-13;  
13 98-307, eff. 8-12-13; 98-1076, eff. 1-1-15.)

14 (30 ILCS 500/50-30)

15 Sec. 50-30. Revolving door prohibition.

16 (a) Chief procurement officers, State purchasing  
17 officers, ~~procurement compliance monitors,~~ their designees  
18 whose principal duties are directly related to State  
19 procurement, and executive officers confirmed by the Senate are  
20 expressly prohibited for a period of 2 years after terminating  
21 an affected position from engaging in any procurement activity  
22 relating to the State agency most recently employing them in an  
23 affected position for a period of at least 6 months. The  
24 prohibition includes but is not limited to: lobbying the  
25 procurement process; specifying; bidding; proposing bid,

1 proposal, or contract documents; on their own behalf or on  
2 behalf of any firm, partnership, association, or corporation.  
3 This subsection applies only to persons who terminate an  
4 affected position on or after January 15, 1999.

5 (b) In addition to any other provisions of this Code,  
6 employment of former State employees is subject to the State  
7 Officials and Employees Ethics Act.

8 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
9 for the effective date of changes made by P.A. 96-795).)

10 (30 ILCS 500/50-39.1 new)

11 Sec. 50-39.1. Procurement communications reporting  
12 requirement. State agencies and vendors may meet to discuss the  
13 agencies' current and future needs. All such communications  
14 shall be conducted in accordance with the applicable provisions  
15 of the Federal Acquisition Regulation. Any communication which  
16 violates the Federal Acquisition Regulation shall be  
17 reportable to the responsible Chief Procurement Officer.

18 (30 ILCS 500/10-15 rep.)

19 (30 ILCS 500/33-35 rep.)

20 (30 ILCS 500/50-39 rep.)

21 Section 15. The Illinois Procurement Code is amended by  
22 repealing Sections 10-15, 33-35, and 50-39.

23 Section 20. The Small Business Contracts Act is amended by

1 changing Section 10 as follows:

2 (30 ILCS 503/10)

3 Sec. 10. Award of State contracts.

4 (a) Not less than 10% of the total dollar amount of State  
5 contracts shall be established as a goal to be awarded as a  
6 contract or subcontract to small businesses.

7 (b) The percentage in subsection (a) relates to the total  
8 dollar amount of State contracts during each State fiscal year,  
9 calculated by examining independently each type of contract for  
10 each State official or agency which lets such contracts.

11 (Source: P.A. 97-307, eff. 8-11-11.)

12 Section 25. The Governmental Joint Purchasing Act is  
13 amended by changing Section 2 as follows:

14 (30 ILCS 525/2) (from Ch. 85, par. 1602)

15 Sec. 2. Joint purchasing authority.

16 (a) Any governmental unit may purchase personal property,  
17 supplies and services jointly with one or more other  
18 governmental units. All such joint purchases shall be by  
19 competitive solicitation as provided in Section 4 of this Act.  
20 The provisions of any other acts under which a governmental  
21 unit operates which refer to purchases and procedures in  
22 connection therewith shall be superseded by the provisions of  
23 this Act when the governmental units are exercising the joint

1 powers created by this Act.

2 (a-5) A chief procurement officer established in Section  
3 10-20 of the Illinois Procurement Code may authorize the  
4 purchase of personal property, supplies, and services jointly  
5 with a governmental entity of this or another state or with a  
6 consortium of governmental entities of one or more other  
7 states. Subject to provisions of the joint purchasing  
8 solicitation, the appropriate chief procurement officer may  
9 designate the resulting contract as available to governmental  
10 units in Illinois. The chief procurement officers shall submit  
11 to the General Assembly by November 1 of each year a report of  
12 procurements made under this subsection (a-5).

13 (a-10) Each chief procurement officer appointed pursuant  
14 to Section 10-20 of the Illinois Procurement Code may authorize  
15 the purchase or lease of personal property, supplies, and  
16 services which have been procured through a competitive process  
17 by a federal agency, a consortium of governmental, educational,  
18 medical, research, or similar entities, or a group purchasing  
19 organizations of which the chief procurement officer or State  
20 agency is a member or affiliate, including, without limitation,  
21 any purchasing entity operating under the federal Higher  
22 Education Cooperative Act and the Midwestern Higher Education  
23 Cooperation Act. A chief procurement officer may authorize  
24 purchases and contracts established by other means if the chief  
25 procurement officer determines it is in the best interests of  
26 the State. Each chief procurement officer may establish

1 detailed rules and policies and procedures for use of these  
2 cooperative solicitations and contracts, including, without  
3 limitation, that the State agency make a determination that the  
4 award or contract is in the best interest of the State, and  
5 that the contract include provisions required by Illinois law.  
6 Notice of awards or contracts shall be published by the chief  
7 procurement officer in the Illinois Procurement Bulletin at  
8 least 14 days prior to use of the award or contract. Each chief  
9 procurement officer shall submit to the General Assembly by  
10 November 1 of each year a report of procurements made under  
11 this subsection (a-10).

12 (b) Any not-for-profit agency that qualifies under Section  
13 45-35 of the Illinois Procurement Code and that either (1) acts  
14 pursuant to a board established by or controlled by a unit of  
15 local government or (2) receives grant funds from the State or  
16 from a unit of local government, shall be eligible to  
17 participate in contracts established by the State.

18 (Source: P.A. 96-584, eff. 1-1-10; 97-895, eff. 8-3-12.)

19 Section 95. No acceleration or delay. Where this Act makes  
20 changes in a statute that is represented in this Act by text  
21 that is not yet or no longer in effect (for example, a Section  
22 represented by multiple versions), the use of that text does  
23 not accelerate or delay the taking effect of (i) the changes  
24 made by this Act or (ii) provisions derived from any other  
25 Public Act.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.

1 INDEX

2 Statutes amended in order of appearance

- 3 5 ILCS 430/20-5
- 4 30 ILCS 500/1-12
- 5 30 ILCS 500/1-13
- 6 30 ILCS 500/1-13.1 new
- 7 30 ILCS 500/1-15.15
- 8 30 ILCS 500/1-15.47 new
- 9 30 ILCS 500/1-15.48 new
- 10 30 ILCS 500/5-5
- 11 30 ILCS 500/10-20
- 12 30 ILCS 500/20-5
- 13 30 ILCS 500/20-10
- 14 30 ILCS 500/20-15
- 15 30 ILCS 500/20-17 new
- 16 30 ILCS 500/20-20
- 17 30 ILCS 500/20-43
- 18 30 ILCS 500/20-160
- 19 30 ILCS 500/35-5
- 20 30 ILCS 500/35-30
- 21 30 ILCS 500/45-45
- 22 30 ILCS 500/45-57
- 23 30 ILCS 500/50-30
- 24 30 ILCS 500/50-39.1 new
- 25 30 ILCS 500/10-15 rep.

- 1 30 ILCS 500/33-35 rep.
- 2 30 ILCS 500/50-39 rep.
- 3 30 ILCS 503/10
- 4 30 ILCS 525/2 from Ch. 85, par. 1602